

**From:** Friends of Five Creeks <[f5creeks@gmail.com](mailto:f5creeks@gmail.com)>  
**Sent:** Wednesday, August 24, 2022 1:38 PM  
**To:** ToxicsMailbox <[Planningtoxicsmailbox@cityofberkeley.info](mailto:Planningtoxicsmailbox@cityofberkeley.info)>; Environmental Health Division <[envhealth@cityofberkeley.info](mailto:envhealth@cityofberkeley.info)>  
**Subject:** Fwd: Berkeley must take prompt measures to protect Codornices Creek

I believe I should have cc'd one or both of Toxics or Environmental Health on the email below. It deals with possible dumping of sewage and sanitizer or similar into Codornices Creek at 8th Street. The pool below 8th is closed, as the photo shows. It should still be possible to get and analyze samples.

**Susan Schwartz, President**  
**Friends of Five Creek**

**From:** Friends of Five Creeks <[f5creeks@gmail.com](mailto:f5creeks@gmail.com)>  
**Sent:** Wednesday, August 24, 2022 9:37 AM  
**To:** Skramstad, Mary <[MSkramstad@cityofberkeley.info](mailto:MSkramstad@cityofberkeley.info)>; Garland, Liam <[LGarland@cityofberkeley.info](mailto:LGarland@cityofberkeley.info)>; Manager, C <[CManager@cityofberkeley.info](mailto:CManager@cityofberkeley.info)>; Radu, Peter <[pradu@cityofberkeley.info](mailto:pradu@cityofberkeley.info)>; Kesarwani, Rashi <[RKesarwani@cityofberkeley.info](mailto:RKesarwani@cityofberkeley.info)>  
**Cc:** Wines, Brian@Waterboards <[Brian.Wines@waterboards.ca.gov](mailto:Brian.Wines@waterboards.ca.gov)>; Jacinto, Emily@Wildlife <[Emily.Jacinto@wildlife.ca.gov](mailto:Emily.Jacinto@wildlife.ca.gov)>; Grefsrud, Marcia@Wildlife <[Marcia.Grefsrud@wildlife.ca.gov](mailto:Marcia.Grefsrud@wildlife.ca.gov)>; Beauduy, Derek@Waterboards <[Derek.Beauduy@waterboards.ca.gov](mailto:Derek.Beauduy@waterboards.ca.gov)>; Sejal C. <[sejal@baykeeper.org](mailto:sejal@baykeeper.org)>; Ben Eichenberg <[ben@baykeeper.org](mailto:ben@baykeeper.org)>; Thomas Williams <[thomwilliams@berkeley.edu](mailto:thomwilliams@berkeley.edu)>; Tim Pine <[tpine@berkeley.edu](mailto:tpine@berkeley.edu)>; Mark Hurley <[mhurley@albanyca.org](mailto:mhurley@albanyca.org)>; Margot Cunningham <[MCunningham@albanyca.org](mailto:MCunningham@albanyca.org)>  
**Subject:** Berkeley must take prompt measures to protect Codornices Creek

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

City of Berkeley stormwater manager, public works director, others  
cc: Department of Fish and Wildlife and San Francisco Bay Regional Water Quality Control Board staff Baykeeper, others concerned with Codornices Creek (Berkeley/Albany border, Alameda County)

This email supplements our weekly illustrated chronicle of the death of Codornices Creek, for the first time asking state agencies to act.

Yesterday, there was a strong smell of feces and disinfectant at the storm drain on 8th Street just south of the creek, and a deposit of dense foam at the downstream end of the drying pool below 8th Street. This seems likely to have resulted from emptying of night soil from one of the dozens of tent camp now lining the west side of 8th Street (Only the disinfectant would be new.)

This will be lethal well downstream should the stream be unnaturally re-watered in the near future, as it was last weekend (discharge tracked by EBMUD to near Shasta, and reported to Berkeley's stormwater staff member). I don't know how fast disinfectant may degrade.

In addition:

- Campers are now using fallen wood, left as habitat, as firewood. Aside from danger to human life in crowded conditions with piles of debris, our signs politely asking that the north bank be left as undisturbed habitat have been repeatedly torn down; wood we left there has disappeared, and two of our signs were under one of the piles on the south bank. This area is, or was, a state-permitted and state-funded restoration project, even though climate change seems to doom the small population of steelhead.
- The large streamside camp downstream between Sixth and Eighth has a "honeybucket" for defecation etc. just above the creek.
- We have endured (and documented) repeated fires, defecation in the woods and along paths, destruction of habitat by seriously mentally ill persons, and assaults or threats to volunteers. We now would be irresponsible to hold volunteer events outside of the fenced meadow at 9th Street. (This meadow was fenced because of previous tolerance of a trash-paved north bank encampment, tolerated by UC Berkeley and Albany, which we cleaned up after it was abandoned after the October 2021 storm.)
- While much of the creek below Eighth Street is more attractive than ever before, with flourishing natives lovingly tended by a very few dedicated volunteers and Albany interns, the public cannot enjoy or feel safe in the creekside trails or (now tent occupied) "outdoor classroom" near 8th Street. (This is not to mention how it may affect the families with children living at University Village, for which 8th Street should be a main entry and exit.)

While UC Berkeley and Albany have been equally negligent in the past, the current and immediate challenges stem mainly from Berkeley's effective policy decisions this spring to make 8th Street an encampment without appropriate support or policing, while enforcing new parking restrictions that protect businesses on neighboring streets (10th, 9th, 6th, and 5th). Camps overflowing with trash and belongings now occupy the entire sidewalk and spill into the street, with conditions worse than any I recall from the slums of Africa.

This follows from our society's failure to deal with and care for the seriously mentally ill and addicted and to supply housing for the poor. Berkeley is bearing far more than its share of the burden, and a lawsuit is precluding some possibilities.

Nevertheless, some measures can and should be taken. Hundreds of thousands of dollars of funding for maintenance remain from the funds all three responsible entities forgot but restored after F5C discovered them and protested. State support of various kinds is at record levels. Here are a few possibilities:

- The storm drains can be loosely barricaded (with permeable fencing) with signs explaining the harm of dumping.
- A fence at 9th Street can stop the RV campers on Harrison from dumping mattresses, garbage, etc. over the steep and fast-eroding bank into the pool there. Berkeley inaction here goes back more than 20 years.
- The city can post signs such as "no camping" and, with an appropriate change to park status, allowed occupancy hours.

- The city can provide adequate and appropriate support from nonprofits or staff, including renewed efforts to help people find housing. Some of the 8th Street campers are very hard cases and seriously delusional. Others appear to be families probably not long on the streets. And as I have seen in Live Oak Park next door to my home for 40 years, even the hard cases may eventually accept help.
- Working with nonprofits, the city can engage the homeless on Harrison, Eighth, and at the shelters downstream in helping with cleanup and understanding how they could help sanitation, nature, etc. A few are already so engaged -- there can be more. Even the seriously addicted and delusional woman who has pulled out pin flags marking natives, destroyed vegetation, and stirred the silt is, in her mind, trying to make things better. Back when campers were few, a drunk living in his camper used to pick up the trash at the seating area almost every day. The folks who had to leave the Harrison House shelter in daytime helped out in various ways.
- The agencies responsible can patrol for, promptly post, and remove streamside camps that pollute and harm habitat in violation of permits.
- The state can insist on action. Although the Regional Board's new permit may aim at washing its hands of these situations, Mr. Beauduy has assured me that this is not the case. The Department of Fish and Wildlife is supposed to protect endangered species.

I look forward to seeing and hearing about immediate action. For those new to these emails: I am happy to supply our past emails, which include dates, photos, and details.

Susan Schwartz, President  
Friends of Five Creeks  
510 848 9358  
[f5creeks@gmail.com](mailto:f5creeks@gmail.com)  
[www.fivecreeks.org](http://www.fivecreeks.org)

On Mon, Sep 26, 2022, 1:13 PM Cooney, Jamie <[JCooney@cityofberkeley.info](mailto:JCooney@cityofberkeley.info)> wrote:

Hi Susan,

Thanks for continuing to steward our creeks. I was not on call when this message came in, but saw it in our inbox. Would you like me to forward it to the Environment and Climate Commission as public comment?

Best,

**Jamie Cooney** | Hazardous Materials Specialist II | **City of Berkeley**  
Planning Department | Toxics Management Division  
Office (510) 981-7408 ◦ Cell (510) 529-1924

**From:** Friends of Five Creeks <[f5creeks@gmail.com](mailto:f5creeks@gmail.com)>

**Sent:** Tuesday, September 27, 2022 6:28 PM

**To:** Cooney, Jamie <[JCooney@cityofberkeley.info](mailto:JCooney@cityofberkeley.info)>

**Subject:** Re: FW: Berkeley must take prompt measures to protect Codornices Creek

Yes, thanks. Please forward my email to the environmental and climate change commission as public comment.

This morning, more than a month later, the city of Berkeley finally cleared the large camp between 6th and 8th, leaving about 50 ft of totally bare bank with no vegetation, where we must promptly install erosion control cloth before storms and replant for the third time to avoid sedimentation that would seriously harm the few remaining trout in the 6th Street pool just downstream.

Aside from negative effects on volunteer morale, and disillusion with government, the commission might consider that having to do the same thing over and over again keeps us from public education and outreach work as well as citizen science observations directly concerned with climate change.